

CITY OF BURNSVILLE
Governance Meeting
August 29, 2006

The City Council of the City of Burnsville met in a governance session at the Burnsville City Hall, 100 Civic Center Parkway, Burnsville, Minnesota the 29th day of August, 2006.

The meeting was called to order by Mayor Kautz at 7:00 p.m.

The Pledge of Allegiance was preceded by a moment of silence.

Present: Crichton, Daly, Gustafson, Kautz, Workman
Absent: None

1. Additions to the Final Agenda.

There were no additions to the final agenda.

2. Broadband Services in Burnsville – Public Comment.

Tammy Omdal, Deputy City Manager/CFO, provided a brief background and reviewed a tentative timeline of the governance process for broadband services.

The Mayor announced that this is the Public Comment portion of the governance process and invited the audience to speak.

The following citizens appeared before the Council:

Richard Hatcher, 1520 Summit Oaks Court
Jim Stachowski, 14800 Southcross Lane
Warren Hartwell, 11517 S 23rd Avenue
John Carpenter, 918 Stratford Lane W
John Esch, 13621 E Wellington Crst
Eldon Anderson, 12912 Grandview Court

The Council Dialogue and Policy Decision will be held Tuesday, September 26, 2006.

3. RV Ordinance – Policy Decision.

Jenni Faulkner, Community Development Director, provided a brief review of the governance process to date, and reported on the focus group created at the June 27, 2006 Governance meeting to include three member for change and three members for no change to report back to the Council with recommendations. The parameters were: surfacing, enforcement, screening, and definitions. The focus group met three times in the past couple of months.

Kelvin Miller, acting as spokesperson for the focus group, reported the group's recommendations to the Council.

Current Provisions:

RECREATIONAL VEHICLES: include travel trailers, campers, motor homes, converted buses and vans, snowmobiles, boats, ATV and their trailers, and utility trailers.

3. RV Ordinance – Policy Decision (continued).

- One recreational vehicle may be parked in the driveway of the front yard of lot only during the season of use.
- Stored or parked on the rear or side yard behind the front yard setback and not closer than 2' from the side lot line and 8' from the rear lot line.
- The parking/storage on the rear or side yard may be surfaced or not.
- No more than 2 stored per lot.

Definitions:

- Definitions more clear.
- Provisions apply to all categories equally
- Recreational Vehicles: Motorhomes, non-motorized vehicles, utility trailers, and recreational equipment trailers.
 - Motorhomes: A camping vehicle in which the driver is located within the vehicle.
 - Non-motorized Vehicles: A camping vehicle that is towed behind a separate motor vehicle. (Fifth wheel, hard-side camper, pop-up)
 - Utility Trailer: Wheeled trailers used for the transport of work tools and equipment, hobby equipment, landscaping supplies or other non-recreational equipment.
 - Recreational Equipment Trailers: Wheeled trailers used to transport boats, ATV's, motorcycles, snowmobiles, etc.

General Provisions Recommended:

- Must be parked or stored on a hard surface. Defined as Class 5, concrete, bituminous, and brick pavers.
- Setbacks can stay the same if screening is added. (2 feet from side and 8' rear yard lines).
- Must be screened on all sides except the access side unless the recreational vehicle is on the driveway.
- May only be on the driveway for a maximum of _____ days. (Council to determine. The group discussed 5,14,30 days). This addresses the "season of customary use" issue.
- Recreational vehicles, except when on the driveway, may not be stored or parked in the front yard or side yard in front of the house. On corner lots, both street sides should be considered front yards.

RV Type:

- Recreational vehicles are grouped into two size types:
 - Type A: Up to 20 feet in length and six feet or under in height
 - Type B: Over 20 feet in length or over six feet in height.
- Maximum length for a recreational vehicle is 40 feet.
- Up to two Type A vehicles may be stored on any lot, or one Type B vehicle, or one Type A and one Type B vehicle.

Enforcement:

- Allow a grace period for compliance upon adoption of new ordinance.
- Enforce on a complaint basis.
- Be reasonable when seeking compliance as screening may take time to achieve

Screening:

- Defined as "concealed at eye level (six feet) and from abutting property by a 90% or better opaque: screening fence, plantings, or buildings on the lot where the recreational vehicle is located."
- Screening must be installed that conceals the recreational vehicle from abutting property by a 90% or better opaque.
 - May include fences, plantings, or buildings on the lot where the recreational vehicle is located.
 - Plantings must cover at least 50% of the RV at the time of installation and 90% at maturity.

3. RV Ordinance – Policy Decision (continued).

- Alternate: Plantings may be of any size at time of installation if the homeowner uses specific fast growing species approved by the City.

Other Ideas:

- Allow additions to garages for storage.
- Allow additional detached garages.
- Need to define driveway.
- Lot size determines number of RV's on the lot.
- City provides a place for RV storage.
- City provides a list of plantings.
- City license RV's at no cost, similar to rental licenses, to inform RV owners of the rules.
- On a corner lot, may be placed in the side yard abutting a street with screening.

Council requested staff to research number of days in other communities and discussed difficult interpretation of season of use for recreational vehicles.

Council discussed the following issues related to the proposed changes in the RV Ordinance:

- Must carefully address any change in the definition of driveway.
- Necessary to allow a reasonable amount of time to comply with any ordinance changes, especially plantings.
- Definition of "Recreational Vehicle"
- Number of residents affected.
- Definition of Class 5 surface, does include gravel.

Council directed staff to return with redlined ordinances showing the proposed changes and effects of those changes. Also, directed staff to return with information on plantings, such as growth rates and opacity.

Mr. Ron Abeck, focus group member, appeared before the Council to urge them to consider the very small percentage of motorhome owners in Burnsville and number of complaints before imposing any restrictions.

4. Pylon Sign Requirements Study – Environmental Scan

Chris Slania, City Planner, presented the White Paper on Pylon Sign Requirements as part of the Freestanding Sign Ordinance (Title 10, Chapter 30, and Section 8 of the City Code).

Background:

- The ordinance reflects criteria allowing freestanding signs in all commercial and industrial districts.
- This item was first discussed when the Council reviewed the Lincoln-Mercury Subaru sign variance in January 2006.
- At the All Day Council work session the ordinance was discussed briefly and the Council directed staff to place this on the Governance agenda for a full review of pylon signs for new car dealerships.
- The basic inquiry from the City Council relates to the number of pylon signs (freestanding signs over 6 feet in height) allowed per dealership lot.
- Requests to deviate from the ordinance have been centered on new car dealerships, specifically those that sell cars from more than one manufacturer. The Lincoln-Mercury Subaru sign application is the first in recent years to receive approval.

4. Pylon Sign Requirements Study – Environmental Scan (continued).

- The focus is on what our current ordinance permits, how other cities regulate freestanding signs for automobile dealerships, and what are the reasonable options the Council may want to consider during the governance process.

Current Ordinance: Definition of Freestanding Sign, Monument Sign and Pylon Sign are stated below:

- **FREESTANDING SIGN:** Any sign supported by structures or supports that are permanently anchored in the ground and that are independent from any building or structure. (Monument and Pylon signs are categorized as freestanding signs.)
- **MONUMENT SIGN:** A freestanding sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is attached to the ground by means of a free-standing support structure, is solid from grade to the top of the structure, has materials that are constructed of the same primary building materials of the principal structure, is placed directly on the ground or on an interior planter base which is incorporated into a design arrangement. A monument sign shall be considered as one (1) sign though it may have two (2) faces.
- **PYLON SIGN:** A free-standing sign erected on one (1) or more free-standing shafts, posts, or piers which are solidly affixed to the ground and not attached to a building. A pylon sign shall be considered as one (1) sign though it may have two (2) faces.
- The size of any freestanding sign size is based on the speed limit.
- A maximum of one freestanding sign is allowed upon any single lot. Additional freestanding signs may be allowed provided they are in compliance with the following standards:
 - The signs are constructed as a monument sign and shall not exceed a height of six feet (6'). (There is not a limit on the number of monument signs per site. Monument signs are limited by the total amount of signage allowed on property.)

Council discussed regulating placement of monument signs on hills.

Market Cities: The following describes how market cities regulate freestanding signs. There is a range of how these signs are addressed and the performance standards required.

- **City of Apple Valley:** One pylon or ground sign per business. 110 sq. ft. per sign.
- **City of Burnsville:** One freestanding sign per lot. Additional signs (6 feet or less) are allowed up to the total allowable sign area for building size.
- **City of Bloomington:** One freestanding sign (monument or pylon) per street frontage. Maximum of 2 freestanding signs per lot. Maximum height of 30 feet with one sign. With two signs, the second shall have a maximum height of 20 feet. 175 sq. ft. per sign, the second is limited to 75 sq. ft.
- **City of Coon Rapids:** One freestanding per street frontage. Maximum height of 30 feet. 100 sq. ft. per sign.
- **City of Eagan:** One pylon sign per building. If adjacent to a freeway are allowed a monument sign in addition to a pylon sign. Must be a minimum of 300' from the nearest pylon.
- **City of Edina:** One freestanding sign per building per street frontage. 100 sq. ft. for 1st sign, 50 sq. ft. for each additional.
- **City of Eden Prairie:** One pylon sign is allowed unless the site has 2 street frontages and 2 signs would be allowed. Two street frontages, one sign would be 80 sq. ft. and the other 36 sq. ft. with a minimum distance between them of 300 feet.
- **City of Hastings:** One monument sign per street frontage. One monument sign not to exceed 50 sq ft or 6 feet in height for each additional new automobile product line sold on the premises.
- **City of Inver Grove Heights:** One pylon sign per 200 feet of frontage. Maximum height of a sign is no higher than 10 feet above the building height.

4. Pylon Sign Requirements Study – Environmental Scan (continued).

Options: The following are some specific options the Council may consider. While more may be discovered during the Governance process, these are a few currently identified:

1. Make no changes to the current ordinance with a strict threshold on variance and Planned Unit Development applications.
2. Make no changes to current ordinance and consider additional signage through Planned Unit Developments on a case by case basis.
3. Make changes to the City Code such as Bloomington, Eden Prairie or Hastings: *
 - a) Allow one pylon sign per street frontage, with restrictions to size and height
 - b) Allow pylons sign based on linear feet of street frontage, with restrictions to size and height
 - c) Allow additional pylon signs when property is adjacent to a principal arterial (I-35, TH 13)
 - d) Allow additional signage for each new automobile product line sold on the premises
 - e) Allow a Conditional Use Permit process for a second pylon sign when a second manufacturer is present.

* Most existing dealerships have maximized the total allowable sign area for their sites through a combination of a pylon sign, monument signs and wall signage. If the ordinance were amended to allow additional pylon signs the interested dealerships may need to reduce existing signage to satisfy the total allowable sign area for the site.

Challenges: The City Attorney has indicated there will be challenges involved with legally differentiating between sign regulations for auto dealerships and other permitted land uses within the B-3 and B-4 Districts.

Process: The Governance process will include a review of this whitepaper followed by expert testimony and public comment. Then Council will dialogue and make a decision if the ordinance should be revised. Any changes to the ordinance would be reviewed at a regular City Council meeting following a public hearing at the Planning Commission. The entire process could be brought to closure by December 2006.

Council directed staff to research allowing additional signage on the buildings to accommodate the need for advertising additional product lines or brands.

Council requested staff contact an attorney who can speak to automobile manufacturer requirements to appear under expert testimony.

5. EDA Funding Level – Council Dialogue.

Tammy Omdal, Deputy City Manager/CFO, reviewed the purpose of establishing policy to guide the annual decision on the amount to certify for the Economic Development Authority (EDA) Levy and the three options outlined in the white paper:

1. Adopt an EDA Levy policy that is similar to the Infrastructure Trust Fund (ITF) Policy. Council could direct staff to prepare a draft policy for consideration by the Council at the next meeting. The Council may want to provide some preliminary direction to staff on spending limitations and use of funding. Similar to the ITF Levy Policy, the EDA Levy Policy would specify what the annual increases to the base amount would be until the EDA Levy reaches a set cap amount. The cap could be set based on the maximum allowed by State law or it could be an internal cap established by the Council, within the maximum amount allowed by State law.

5. EDA Funding Level – Council Dialogue (continued).

2. Adopt an EDA Levy Policy that would establish the annual EDA Levy amount as a specified percent of the total property tax levy for all City funds. This would dedicate a defined percentage of tax dollars, each year, for economic development purposes. In recent years, the EDA Levy has ranged from 0.7 *percent* to nearly 3.0 *percent* of the total overall property tax levy, as shown in the earlier table. The actual amount of EDA Levy collected would increase (or decrease) at the same rate as the overall collection of property tax revenue for the City.
3. Do not adopt an EDA Levy Policy. Continue to evaluate annually what level the EDA Levy should be certified at based upon budget circumstances. The EDA Levy would continue to be set annually based on the City's overall Revenue Management Policy that is currently in place. Funding for economic development projects would compete against funding for other general government services, such as police, fire, and public works. City policy would not guarantee an annual revenue stream for economic development purposes. This option would be in contrast to the ITF policy, which does guarantee a specified amount of funding for infrastructure purposes, replacing of streets and parks infrastructure.

Council consensus to moving any excess of general fund reserves to the EDA fund. Discussed the following issues:

- Preparation of a list of "what ifs" and one time needs.
- Need for consistent funding so that bonding can be obtained, similar to the ITF.
- Consideration of inflation rates.
- Bonding capacity.
- Potential language.

Council consensus to direct staff to prepare and return to governance next month for review, a policy reflecting an annually approved transfer of funds from general reserve and that when combined with the EDA Levy should total the maximum amount allowed annually for the EDA Fund.

Staff reported that a policy adoption would also require an amendment to financial management plan.

6. Adjournment.

Motion by Gustafson, seconded by Workman to adjourn the meeting at 9:14 p.m. Ayes – Crichton, Daly, Gustafson, Kautz, and Workman. Nays - None. Motion carried.

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 5th day of September, 2006.

Elizabeth B. Kautz, Mayor